REMARKS/ARGUMENTS

Applicants have received the Office Action dated March 18, 2008, in which the Examiner: 1) rejected claims 13-15 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter; 2) rejected claims 1-4, 9-16, 18-23 and 26-35 under 35 U.S.C. § 102(e) as being allegedly anticipated by Vargas (U.S. Pub. No. 2004/0103405, hereinafter "Vargas"); 3) rejected claims 5-8 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Vargas in view of Reid et al. (U.S. Pat. No. 6,560,592, hereinafter "Reid"); and 4) rejected claims 17, 24 and 25 as being allegedly unpatentable over Vargas in view of Li (U.S. Pat. No. 6,546,549, hereinafter "Li"). With this Response, Applicants have amended claims 13-15 and cancelled no claims. Thus, claims 1-35 remain pending.

I.   REJECTIONS UNDER 35 U.S.C. § 101

Claims 13-15 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 has been amended to refer to a "computer readable storage medium." It is respectfully requested that the 35 U.S.C. § 101 rejection be withdrawn with respect to claim 13 and its dependent claims 14-15.

II.   REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1-4, 9-16, 18-23, and 26-35 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Vargas. Applicants respectfully traverse these rejections.

Claim 1 recites in part, "representing the extracted system model information in a generic reusable intermediate data format which is different from a format used by the source platform code and on the one or more target platforms." The Examiner cites to paragraphs [0047] and [0110] of Vargas as teaching this limitation. (OA dated 3/18/08; p. 6, lines 19-21). However, Vargas teaches the parsing of a source code file into a source unit DOM. (Vargas, para. [0110]). Vargas does not teach or suggest that the source unit DOM is in a different format from the source and target platforms as required by claim 1. The Examiner states, "in paragraph [0110], Vargas discusses the conversion of the

host source code into a Source Unit DOM, which, as further described by Vargas, is an XML document." (OA dated 3/18/08; p. 3, lines 8-10). However, Vargas teaches, "translation system 300 proceeds to parse source file into tree of source code elements, including formatting, using an event driven parser such as, for instance, Simple API for XML (SAX)." (Vargas, para. [0110]). Thus, the source code of Vargas is *parsed*, but it does not follow that it is parsed into a different format than both the source and target platforms. It definitely does not follow that it is *parsed* into a *generic* reusable intermediate data format which is different from a format used by the source platform code and on the target platforms as required by claim 1. In fact, the source unit DOM of Vargas has the same format as the source platform. (Vargas, para. [0047]). Thus, Vargas teaches that the source unit DOM cannot be in a different format from the format used by the source platform. Neither Reid nor Li cure the deficiencies of Vargas as neither teaches or suggests the use of an intermediate data format which is different from a format used by a source platform code and on a target platform. For at least these reasons, claim 1 and its dependent claims 2-12 are allowable over the cited art.

Claim 13 has been amended to recite in part, "means for reverse engineering said prepared source files into an intermediate code … wherein the intermediate code is different from code used on the source platform and code used on the one or more target platforms." As explained, Vargas, Reid, and Li do not disclose this limitation. For at least this reason, claim 13, along with its dependent claims 14-15, is allowable over the cited art.

Claim 16 requires, "code for representing the extracted system model information in a generic reusable intermediate data format which is different from a format used by the source platform code and on the one or more target platforms." As explained, Vargas, Reid, and Li do not disclose this limitation. For at least this reason, claim 16, along with its dependent claims 17-25, is allowable over the cited art.

Claim 26 recites in part, "represent the extracted system model information in a generic reusable intermediate data format which is different from a format

used by the source platform and on the one or more target platforms." As explained above, Vargas, Reid, and Li do not disclose this limitation. For at least this reason, claim 26 and its dependent claims 17-25 are allowable over the cited art.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 5-8 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Vargas in view of Reid. Claims 17 and 24-25 stand rejected as being obvious over Vargas in view of Li. Claims 5-8 depend from claim 1 and claims 17 and 24-25 depend from claim 16. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." MPEP § 2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). As discussed above, independent claims 1 and 16 are nonobvious and allowable over the cited art. Thus, claims 5-8, 17, and 24-25 are also nonobvious. For at least this reason, claims 5-8, 17, and 24-25 are allowable over the cited art.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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